

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

99 Civ. 2207 (LAK)

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF SANITATION,

STIPULATION AND ORDER
TERMINATING CONSENT DECREE

Defendant.

..... X

WHEREAS, on March 24, 1999, the United States of America on behalf of the United States Environmental Protection Agency (“EPA”) commenced this action against the City of New York and the New York City Department of Sanitation (collectively, the “City,” and with EPA, the “parties”), seeking injunctive relief and the payment of civil penalties pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 *et seq.*, and the regulations promulgated thereunder [Docket Entry 1];

WHEREAS, on August 9, 2000, the Court entered a Consent Decree agreed to by the parties [Docket Entry 21];

WHEREAS, paragraph 45 of the Consent Decree provides that “Unless there is an application or proceeding then pending pursuant to the dispute resolution provisions of this Consent Decree, this Consent Decree shall be terminated 5 years after the date of the Court's entry of this Consent Decree, or 5 years after the date of completion of all SEPs [Supplemental Environmental Projects], whichever is later;”

WHEREAS, on April 9, 2007, the Court entered a Stipulation and Order Modifying Consent Decree (“Stipulation”), which, among other things, modified the City’s SEP obligations under the Consent Decree [Docket Entry 34];

WHEREAS, the City represents that paragraph 45 is satisfied because (i) no application or proceeding is pending pursuant to the dispute resolution provisions of the Consent Decree, (ii) more than 5 years have passed since the entry of the Consent Decree, and (iii) more than 5 years have passed since the completion of all SEPs required by the Consent Decree, as modified by the Stipulation; and

WHEREAS, the United States agrees that pursuant to paragraph 45 of the Consent Decree, the Consent Decree may be terminated.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The Consent Decree is terminated.
2. Each party shall bear its own fees and costs.

Dated: New York, New York
March 31, 2020

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Southern District of New York
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Dated: New York, New York
March 31, 2020

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SO ORDERED:

UNITED STATES DISTRICT JUDGE